

REMARKS/ARGUMENTS

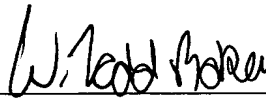
Claims 1-40 are currently active in this case. Claims 1-15 and 25-40 have been indicated as being allowable. Claims 16-24 have been deemed allowable over the prior art of record upon resolution of a 35 USC 101 rejection.

The 35 USC 101 rejection asserts that “the limitations recited in claim 16 contain no language suggesting that these claims are intended to be within the *technological arts*.” Italics added for emphasis. The official action suggests amending the preamble of claim 16 to recite a “computer-implemented method” in order to satisfy the asserted technical arts requirement of 35 USC 101. In light of the precedential Ex parte Lundgren (BPAI April 20, 2004) (Per Curiam) decision, Applicant respectfully traverse the 35 USC 101 rejection. Lundgren expressly concludes in the last paragraph of the decision that “there is currently no judicially recognized separate ‘technological arts’ test to determine patent eligible subject matter under § 101.”

In view of the Lundgren decision, Applicant respectfully requests withdrawal of the 35 USC 101 rejection. No further issues being present, an early and favorable action is also requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Charles L. Gholz
Attorney of Record
Registration No. 26,395

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

W. Todd Baker
Registration No. 45,265